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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,128	12/04/2003	Robert B. Nilsen	1571.2018-005	7639
21005 7590 05/07/2007 HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			EXAMINER SEFER, AHMED N	
			ART UNIT 2826	PAPER NUMBER
			MAIL DATE 05/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10728128	12/4/2003	NILSEN ET AL	

EXAMINER

A. Sefer

ART UNIT**PAPER**

2826

20070430-1

DATE MAILED:

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Commissioner for Patents

Applicants' election with traverse of Species A detailed by fig.1 and page 5, lines 1-15 in the reply filed on 2/8/2007 is acknowledged. The traversal is on the ground(s) that the restriction requirement does not comply with the MPEP which states the Restriction Requirements are made when groups of claims to inventions are found to be either independent or distinct. This is not found persuasive because Applicants have identified at least six embodiments (see page 5, lines 1-15; page 10, lines 8-22; pages 11 and 12, lines 27-29 and 1-9 respectively; page 12, lines 10-13; page 12, lines 14-26; and pages 12 and 13, lines 27-29 and 1-9 respectively.)

Furthermore, upon election of one of the species, Applicants were required (see page 2, par. 3 of previous communication) under 35 U.S.C. 121 to elect a single disclosed sub-species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Note that upon the allowance of a generic claim, applicants will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

Should applicants traverse on the ground that that the intermittent light-transmissive blocking material, the intermittent conductive light blocking material, and the intermittent opaque light blocking material, which have been identified as sub-species 1, sub-species 2 and sub-species 3 respectively, are not patentably distinct, applicants should submit evidence or identify such evidence now of record showing the sub-species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Since the above-mentioned response appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.


A. Sefer
Patent Examiner
Art Unit 2826